

REMARKS

This Amendment responds to the final Office Action mailed October 31, 2007. Claims 14-20 remain pending in the Application and stand rejected. Claims 14 and 16 have been amended herein. Applicants respectfully request reconsideration in view of the following remarks.

Claims Rejected Under 35 U.S.C. §103

Claims 14-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over admitted prior art in view of U.S. Patent No. 5,792,401 to Burnham, and optionally in further view of UK Patent Application No. GB 2 009 362 to McMclellan. Claim 14 is the only independent claim of this rejected group. Applicants respectfully traverse the rejection of claim 14 because Burnham '401 fails to disclose each and every element recited in claim 14. Burnham '401 is directed to a method of making a tubular product having a reinforcement material embedded within the wall of the tube. Tension is applied to the reinforcement 63 as it is dispensed from a rotating guide 64 while the tube advances past the guide. The depth of penetration of the reinforcement material is controlled by the degree of softness of the material, either by application of heat or by curing the material. (See Burnham '401 at col. 4, lines 53-63; col. 8, lines 41-50.) As discussed with respect to FIGS. 8-10, an embodiment of the tube having intermittent reinforcement is formed by starting and stopping the rotation of the guide 64 about the advancing tube 60. (See Burnham '401 at col. 11, line 25 – col. 12, line 9.) During times when the guide 64 is rotating, the reinforcement material 63 assumes an angle A and

the wound reinforcement moves outside of an area where the tube is cooled or cured (see box enclosing reference numerals 73 and 74 in FIG. 10). Because the reinforcement material 63 is applied prior to curing the tube material, the reinforcement becomes embedded within the tube wall. When rotation of the guide is stopped, the reinforcement material 63 assumes an angle B with respect to the advancing tube 60 and is wound upon the tube 60 at a location within the cooling/curing area so that it will not become embedded within the tube wall. During the times when the guide 64 is not rotating, the reinforcement material is necessarily wound upon the tube after the tube material has cured (either by cooling or by application of a curing material), else it would become embedded within the tube wall, as noted in the Office Action at pages 2-3.

The Office Action asserts that the application of a curing agent to the tube of Burnham '401 is equivalent to "creating non-adhesive portions and adhesive portions at selected locations along the length of the hose assembly," as recited in claim 14. Applicants note, however, that application of the curing agent is actually the curing step in the process of Burnham '401. Because application of the curing agent cannot be used as both "creating non-adhesive portions and adhesive portions," and "curing the at least one layer of hose material," recited in claim 14, Applicants submit that the rejection fails to present a *prima facie* case of obviousness with respect to claim 14.

In an effort to advance prosecution of this application, claim 14 has been amended to more sharply define the claimed invention. Specifically, claim 14 has been amended to recite that the reinforcing rod is wound atop the non-adhesive portions and the adhesive portions "such that the reinforcing rod remains atop the hose material."

Claim 14 has also been amended to recite "curing the at least one layer of hose material after winding the reinforcing rod." Applicants submit that Burnham '401 fails to disclose these further features of amended claim 14. Specifically, Burnham '401 is directed to a tubular product having a reinforcement material embedded within the tube wall. The reinforcement material, therefore, does not remain atop the tube material. Moreover, reinforcement material is applied to the tube in the non-reinforced portions of Burnham '401 after the tube material has been cured, as noted in the Office Action at pages 2-3. Accordingly, Burnham '401 fails to disclose curing the at least one layer of hose material after winding the reinforcing rod, as set forth in claim 14. For at least these reasons, Applicants respectfully request that the rejection of claim 14 be withdrawn.

Claims 15 and 17-20 each depend from independent claim 14 and are in condition for allowance for at least the reasons discussed above with respect to claim 14. Applicants further traverse the rejection of claim 20 because Burnham '401 fails to disclose creating non-adhesive portions "prior to winding the reinforcing rod upon the mandrel." While the Office Action asserts that Burnham '401 discloses applying a curing agent "prior to the introduction of the reinforcement material on the tube," (see Office Action at pages 2-3) this is not the same as creating the non-adhesive portions prior to winding the reinforcing rod upon the mandrel. As discussed in the Amendment filed September 25, 2007, the tubular material of Burnham '401 is cured while reinforcing material is being wound onto the tube. Even if the Examiner considers only the portion of the tube that is being cured prior to winding the reinforcing material upon

the tube (i.e., the non-reinforced portion of the tube) the reinforcing material is still being wound upon the mandrel. For at least these reasons, Applicants respectfully request that the rejections of claims 15 and 17-20 be withdrawn.

Claim 16 has been rewritten in independent form and recites "removing the non-adhesive material from the hose assembly after curing the at least one layer of hose material." At page 4, the Office Action alleges that curing the tube material of Burnham '401 "resulted in the removal of the curing agent subsequent to curing the hose." The Examiner appears to allege that curing the hose material inherently removes the curing agent. Applicants note, however, that a rejection based on inherency requires that "the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." MPEP §2112.

"Inherency, however, may not be established by probabilities or possibilities." Id.

Applicants, therefore, respectfully traverse the rejection of claim 16 because the mere fact that the tube material is cured does not necessarily mean that curing agent that was applied to the tube is removed. It is more likely that the curing agent becomes inseparably integrated with the tube material. Moreover, Applicants note that the Examiner is using the application of a curing agent to be equivalent to the separately claimed features of "creating non-adhesive portions and adhesive portions," "curing the at least one layer of hose material," and "removing the non-adhesive material from the hose assembly after curing." Because a single feature or step cannot be the basis for finding each of the claimed features of a claim, the rejection is improper. For at least

the reasons discussed above, Applicants respectfully request that the rejection of claim 16 be withdrawn.

Conclusion

In view of the foregoing amendments to the claims and the remarks set forth herein, Applicants believe this application is in condition for allowance and respectfully request allowance of the pending claims. If the Examiner believes any matter requires further discussion, the Examiner is respectfully asked to telephone the undersigned attorney so that the issue may be promptly resolved. The Examiner's prompt attention to this matter is appreciated.

Applicants are of the opinion that no fee is due as a result of this communication. However, if any such fee is due, please apply such fees or credits necessary to complete this communication to Deposit Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By: /David W. Dorton/
David W. Dorton, Reg. No. 51,625

2700 Carew Tower
441 Vine Street
Cincinnati, OH 45202
(513) 241-2324 (voice)
(513) 241-6234 (facsimile)